IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Crl.Rev.Pet.No. 403 of 2000()

CRA.130/1993 of SESSIONS COURT, MANJERI
CC.14/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PERINTHALMANNA .
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REVN. PETITIONER/ APPELLANT/ ACCUSED

P.SURESH, S/O.GANGADHARAN,
AVINASSERI, ANAKKALLE,
OLLUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/ RESPONDENTS./COMPLAINANT & STATE
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1. THE STATE OF KERALA, REP.BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM KOCHI 31.

2. THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION,
PERINTHALMANNA, MALAPPURAM DIST.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.403/2000

ORDER CRL.MP. NO. 2306/2000 IN CRL.RP. 403/2000

DISMISSED

22.08.2007 **SD/- K.R.UDAYABHANU ,JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R.UDAYABHANU, J

Crl.R.P.No.403 of 2000

Dated this the 22nd day of August, 2007

O R D E R

The revision petitioner who stands convicted for the offences under Sections 279 and 338 IPC and sentenced to undergo simple simple imprisonment for six months and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for one month for the offence under Section 338 IPC and to pay a fine of Rs.1000/- and in default, to undergo simple imprisonment for one month for the offence under Section 279 IPC. The driving licence also stands suspended for a period of one year.

2. The prosecution case is that on 12.11.1992 at about 6.30 p.m., the accused drove KBR 5247 bus through Perinthalmanna - Pattambi public road in a rash and negligent manner so as to endanger human life and hit on a pedestrian who sustained grievous injuries.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 8 and Exs. P1 to P5. The courts below have concurrently found that the accused is guilty of the offences

alleged.

4. PW1, the injured, has sustained very serious injuries which can be seen from Ext. P4 wound certificate i.e., multiple fractures of six ribs on the right side of chest, fracture on the central part of hip bone and the right upper hand. I find that the evidence adduced in the matter is specific as to the identity of the accused. PW7, the AMVI has proved Ext. P5 report of the inspection of the vehicle which established that there was no mechanical defect. In the circumstances, I find no reason to interfere in the concurrent findings of the courts below. The conviction is confirmed.

5. The revision petitioner has pleaded for leniency pointing out that more than 15 years have elapsed since the commencement of the proceedings and the accused was so far facing the ordeal of criminal proceedings.

6. In the circumstances, the sentence imposed for the offence under Section 328 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.20,000/- to PW1 and in default, to undergo simple imprisonment for six

months. No separate sentence is awarded for the rest of the offences. The revision petitioner is granted six months' time to pay the amount of compensation. He shall appear before the Judicial First Class Magistrate Court-I, Perinthalmanna on 18.2.2008 to receive the sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.403/2000

ORDER

22nd August 2007